

12-28-01

A

Gray Cary Ware & Freidenrich LLPTECHNOLOGY'S LEGAL EDGESM

4365 Executive Drive, Suite 1100, San Diego, CA 92121-2133

Phone 858-677-1400 Fax 858-677-1465 www.graycary.com

December 21, 2001

ATTORNEY DOCKET No.: DIVER1460-21

Box PATENT APPLICATION

Commissioner for Patents

Washington, DC 20231

Presented for filing is a new CONTINUATION patent application of:

Applicant: **JAY M. SHORT**Title: **EXONUCLEASE-MEDIATED NUCLEIC ACID REASSEMBLY IN
DIRECTED EVOLUTION**Enclosed are the following papers, including all those required for a filing date under
37 C.F.R. § 1.53(b):

Pages of Specification	235
Pages of Claims	2
Pages of Abstract	1
Sheets of Drawing	6
Information Disclosure Statement (Form 1449) from parent	9
Declaration by Inventors (from parent)	3
Assignment (from parent)	7

"EXPRESS MAIL" Mailing Label Number EV 047 298 423US

Date of Deposit **December 21, 2001**I hereby certify under 37 CFR§ 1.10 that this correspondence is being
deposited with the United States Postal Service as "Express Mail Post
Office To Addressee" with sufficient postage on the date indicated above
and is addressed to the Commissioner for Patents, Washington, DC
20231.*James Berry*

Under 35 USC § 120 this application claims priority to U.S. application serial No. 09/535,794, filed March 27, 2000, which is a continuation-in-part of Serial No. 09/522,289, filed on March 9, 2000 (entitled End Selection in Directed Evolution); which is hereby incorporated by reference; which is a continuation-in-part of U.S. application serial no. 09/498,557, filed on February 4, 2000 (entitled Non-Stochastic Generation of Genetic Vaccines and Enzymes), which is hereby incorporated by reference; which is a continuation-in-part of U.S. application serial No. 09/495,052, filed on January 31, 2000 (entitled Non-Stochastic Generation of Genetic Vaccines), which is hereby incorporated by reference; which is a continuation-in-part of U.S. application serial No. 09/332,835, filed June 14, 1999 (entitled Synthetic Ligation Reassembly in Directed Evolution), which is hereby incorporated by reference; which is a continuation-in-part of U.S. application serial No. 09/276,860, filed on March 26, 1999 (entitled Exonuclease-Mediated Gene Assembly in Directed Evolution), which is hereby incorporated by reference; which is a continuation-in-part of U.S. application serial No. 09/267,118, filed on March 9, 1999 (entitled End Selection in Directed Evolution), which is hereby incorporated by reference; which is a continuation-in-part of U.S. application serial No. 09/246,178, filed Feb. 4, 1999 (entitled Saturation Mutagenesis in Directed Evolution), which is hereby incorporated by reference; which is a continuation-in-part of U.S. application serial No. 09/185,373 filed on Nov. 3, 1998 (entitled Directed Evolution of Thermophilic Enzymes), which is hereby incorporated by reference; which is a continuation of U.S. application serial No. 08/760,489 filed on Dec. 5, 1996 (entitled Directed Evolution of Thermophilic Enzymes, now USPN 5,830,696), which is hereby incorporated by reference; which is a continuation-in-part of U.S. provisional application number 60/008,311 filed on Dec. 07, 1995, which is hereby incorporated by reference.

U.S. application serial No. 09/246,178, filed Feb. 4, 1999 (entitled Saturation Mutagenesis in Directed Evolution) is also a continuation-in-part of U.S. application serial No. 08/962,504 filed on Oct. 31, 1997 (entitled Method of DNA Shuffling), which is hereby incorporated by reference; which is a continuation-in-part of U.S. application serial No. 08/677,112 filed on July 09, 1996 (entitled Method of DNA Shuffling with Polynucleotides Produced by Blocking or Interrupting A Synthesis or Amplification Process, now USPN 5,965,408), which is hereby incorporated by reference.

U.S. application serial No. 09/246,178, filed Feb. 4, 1999 (entitled Saturation Mutagenesis in Directed Evolution) is also a continuation-in-part of U.S. application serial No. 08/651,568 filed on May 22, 1996 (entitled Combinatorial Enzyme Development, now USPN 5,939,250), which is hereby incorporated by reference; which is a continuation-in-part of U.S. provisional application serial No. 60/008,316, filed Dec. 7, 1995, which is hereby incorporated by reference.

Basic filing fee (<i>SMALL ENTITY</i>)	\$0.00
Total claims in excess of 20 times \$18.00	0.00
Independent claims in excess of 3 times \$78.00	0.00
Multiple dependent claims (<i>if applicable</i>)	0
TOTAL FILING FEE:	\$0.00

The payment of the filing fee is to be deferred until the Declaration is filed. Do not charge our deposit account. Please charge Deposit Account No. 50-1355 for any fees other than the FILING FEE.

Gray Cary Ware & Freidenrich LLP

DIVER1460-21

Box PATENT APPLICATION

December 21, 2001

Page Three

If this application is found to be INCOMPLETE, or if it appears that a telephone conference would helpfully advance prosecution, please telephone the undersigned at (858) 677-1456.

Kindly acknowledge receipt of this application by returning the enclosed postcard.

Respectfully submitted,



Lisa A. Haile, Ph.D.

Registration No. 38,347

12/21/01
Date

LAH/lmb
Enclosure

Gray Cary\GT\6271847.1

104703-990000